

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Apr 19, 2024**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDY LEE TIMENTWA (1),

Defendant.

No. 2:24-CR-00050-MKD-1

STIPULATED PROTECTIVE  
ORDER REGARDING COMPUTER  
FORENSIC REVIEW PROCEDURES  
FOR CHILD PORNOGRAPHY  
CONTRABAND

**ECF No. 36**

Before the Court is the parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband. ECF No. 36. Given the nature of the allegations in this case, the parties move to impose forensic review procedures pursuant to 18 U.S.C. § 3509(m). The court has reviewed the record and the motion, including the parties' stipulations therein, and finds good cause to grant the motion.

Accordingly, **IT IS HEREBY ORDERED:**

**1.** The parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband, **ECF No. 36**, is **GRANTED**.

1           **2.**     18 U.S.C. § 3509(m) applies to this case, and the Court is required to  
2 deny defense requests to copy, photograph, duplicate, or otherwise reproduce  
3 material constituting child pornography if the government makes the material  
4 reasonably available to Defendant and provides an ample opportunity for the  
5 defense to examine it at a government facility. See 18 U.S.C. § 3509(m).

6           **3.**     In order to comply with 18 U.S.C. § 3509(m), and to allow Defendant  
7 the greatest opportunity to prepare an effective defense in preparation for trial in  
8 this matter, the government will make a true forensic extraction and/or image of  
9 devices and media containing alleged child pornography contraband at issue in the  
10 above-referenced case. The government will make that forensic extraction and/or  
11 image reasonably available to Defendant and provide ample opportunity for the  
12 defense team to examine it at a government facility in Spokane, Washington. The  
13 parties may readdress the Court if there is a need for additional or after-hours  
14 access during the course of litigation in the event trial or motion hearings require  
15 additional forensic review.

16           **4.**     The defense forensic examination will be conducted in an interview  
17 room monitored by closed-circuit television (“CC-TV”), without audio feed.  
18 While the TV with non-audio feed will ensure the integrity of FBI/HSI space and  
19 security of its occupants, the video feed is not of sufficient detail or at an angle that  
20 would reveal defense strategy. The government and its agents expressly agree that

1 no attempt will be made to record any audio from the workstation and that no  
2 attempt will be made to observe the defense team's work product or computer  
3 monitor screen at any time. The defense expert may review the feed to ensure that  
4 defense strategy is not being compromised at any time while conducting the  
5 forensic review.

6       **5.** The defense team<sup>1</sup> shall not make, nor permit to be made, any copies  
7 of the alleged child pornography contraband pursuant to this Protective Order and  
8 shall not remove any contraband images from the government facility. The  
9 defense expert will be allowed to copy any file that is not contraband and compile  
10 a report (without contraband images/videos) documenting the examination on  
11 removable media at the discretion of the defense expert.

12       **6.** The designated defense expert will leave at the government facility  
13 any equipment, including hard drives, which contain child pornography contraband  
14 that is identified during forensic evaluation. The parties may readdress this matter  
15 with the Court upon notice that the defense intends to retain a different defense  
16 expert.

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18 <sup>1</sup> For purposes of this Protective Order, the term "defense team" refers solely to  
19 Defendant's counsel of record, Andrea K. George, ("defense counsel"),  
20 Defendant's designated expert ("defense expert"), and a defense investigator.

1           7.     For the purpose of trial, the government agrees to make available a  
2 digital copy of any government trial exhibit that contains contraband, which will be  
3 kept in the custody and control of the case agent. Upon reasonable notice by the  
4 defense, the case agent will also maintain for trial digital copies of any proposed  
5 defense exhibit that contains contraband. If the defense team intends to offer,  
6 publish, or otherwise utilize any government or defense exhibit contained on the  
7 digital copy maintained by the case agent during trial, the case agent shall assist the  
8 defense team in publishing or utilizing the exhibit that contains contraband upon  
9 notification by the defense team.

10           **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order  
11 and provide copies to all counsel.

12           **DATED** April 19, 2024.

13                               s/Mary K. Dimke  
14                               MARY K. DIMKE  
                                  UNITED STATES DISTRICT JUDGE